



PLANNING BOARD

Report to Town Meeting

**Article 23.        Zoning Petition - Butterfield Terrace Rezoning  
(Petition – Alpert et al)**

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To see if the Town will amend the Official Zoning Map to change the zoning designation on Parcels 11A-66, 11A-67, 11A-71 and 11A-72 from Neighborhood Residence (R-N) to General Residence (R-G).

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Recommendation

The Planning Board voted 5-1 (Schreiber opposing), with 1 member absent, to recommend that Town Meeting adopt Article 23.

Background

Article 23 is a petition article brought by the owners of four contiguous properties located on the east side of Butterfield Terrace. The properties are currently located in the Neighborhood Residence (R-N) District, and abut the General Residence District on the south (see attached map).

The properties are located on the steep west-facing slope of the ridge between the UMass campus and East Pleasant Street. They are situated directly across Butterfield Terrace from the Educational (ED) District which covers the UMass campus. The site is immediately adjacent to campus and within easy walking distance of the northern end of the downtown.

The four properties total 2.09 acres (90,927 sq. ft.) in area. The site is steep, rising 45 feet from its frontage along Butterfield Terrace to its eastern property boundary, a horizontal distance of between 235 and 250+ feet. The slope rises another 50 feet upwards across other properties to the backyards and foundations of homes above on Pokeberry Ridge.

What Article 23 Would Do

Changing the zoning designation of these properties from R-N to R-G would change the dimensional requirements for the properties and increase the range of potential residential uses, including making multi-family residential uses more possible. Duplexes and converted dwellings

are possible in the R-N District. Apartments and town houses are possible in the R-G District under a Special Permit. The changes would include:

- Owner-occupied duplexes would go from Special Permit (SP) to Site Plan Review (SPR)
- Townhouses would go from No (N) to Special Permit (SP)
- Apartments would go from No (N) to Special Permit (SP)
- There would be changes in the dimensional requirements listed in Table 3 of Article 6 if the properties were to change from the R-N to the R-G zoning district, and those would generally increase potential density.

***R-N Development Potential*** - There are currently four single family residences on the property. Under the existing R-N zoning, with combination and redevelopment of the properties, three duplexes (six units) would be possible. That represents an increase of a total of two dwelling units over the existing density.

***R-G Development Potential*** - Under the dimensional and use regulations of the R-G District, a town house or apartment development of up to 21 units (including three (3) affordable units under current inclusionary regulations) would be theoretically possible on the site under a Special Permit from the Zoning Board of Appeals. Limiting factors would include significant existing slopes, maximum building and lot coverage requirements (25% and 40%, respectively) and parking requirements (42 spaces, which would cover approximately 0.32 acres).

***Redevelopment After Article 22*** - If this rezoning passes, and Article 22, Inclusionary Zoning, is adopted, then any redevelopment of these properties would be required to provide affordable housing under a different set of dimensional rules. The total theoretical development count before market rate cost offset units are added would change from 21 to 33, three (3) of which would be required to be affordable units. The development would then receive 1.5 additional cost offset market rate units for each affordable unit, resulting in five additional market rate units ( $3 \times 1.5 = 4.5$  rounded up to 5), bringing the total potential development count up to 38 units.

With the dimensional increases allowed under Article 22 to facilitate the inclusion of offset units, the resulting building(s) could not exceed four floors and fifty feet in height, as measured along the street (downhill) side of the building(s). The default parking requirements of two spaces per dwelling unit would result in a total parking requirement of 76 spaces, which would in theory cover about 0.58 acre (25,080 sq. ft.).

Theoretical maximum totals for dwelling units in a residential development are just that— theoretical. In practice, unit density is always lower, whether as a result of site constraints, project financing, or market preferences. It would, for instance, be very challenging to create reasonably flat travel drives and parking areas on this site, and the ability to design and construct even half of the default requirement for 76 parking spaces on the site is doubtful. The same constraints will limit total unit density—the steep slopes will present challenges for the construction of buildings, as well.

The conflict between the high cost of building on a difficult site and potential return on investment will encourage a smaller development than the dimensional regulations would theoretically allow.

#### Redevelopment Impacts

In terms of impacts on adjacent properties, the petitioners have represented that abutting property owners along Butterfield Terrace have expressed support for this rezoning. The owners of one abutting property above the site on Pokeberry Ridge attended a Zoning Subcommittee meeting to express opposition to the change.

*Traffic* - Because of the site's proximity to campus and the downtown, impacts from traffic generated by redevelopment of the site would be anticipated to be minimal.

*Visual Impacts* – From the street frontage to the easternmost boundary for these properties the land rises 45 feet. From the easternmost boundary for these properties and the foundations of the nearest residential homes on Pokeberry Ridge along the top of the ridge the land rises another 50 feet.

The maximum height of a building in the R-G District is 40 feet, as measured from:

... the average finished grade on the street side of the structure to the highest point of the roof for flats roofs, to the deck line for mansard roofs, and to the average height (midpoint) between the highest eaves and ridge of the main body of the roof for gable, hip, shed, saltbox, and gambrel roofs, or combinations thereof.

In this case, the “average finished grade on the street side of the structure” would be measured along lower western portion of any building facing onto Butterfield Terrace. Between that requirement, the 40 foot maximum height limitation, and the grade changes on this hillside, any new buildings on this site would not be able to rise to a level that intruded into the scenic sightlines of any properties along Pokeberry Ridge.

This would be the case even if Article 22 is adopted and inclusionary regulations require affordable units in a future development on the site. In that instance, a 10 foot increase in height and an additional floor would be available to ensure room for additional units. Even under those circumstances, it would not be possible for a building on this site to rise to a height that would obstruct views to the west for residential properties up on Pokeberry Ridge.

*Impacts of Sound & Activity* – More dwelling units means more people, and that inevitably means more activity and the sounds people produce. To address the common concern about out-of-control parties, permit requirements for detailed, rigorous management plans including on-site management for multi-unit developments can provide a mechanism for preventing unreasonable activity and noise. Rental properties must be registered and permitted under Amherst's Residential Rental

Regulations. Increased building/health inspections have brought rental properties in Amherst into 100% compliance. Amherst has enforceable Town by-laws governing noise and nuisance house behaviors. Joint Town/UMass efforts have significantly reduced problem off-campus student behaviors in recent years. At a certain point, however, these issues pass beyond the reach of regulation by third parties and become dependent on relationships between neighbors.

### Public Hearing

The Planning Board held a public hearing on Article 23 on Wednesday, February 18, 2015.

Two representatives of the property owners/petitioners presented the article. They noted that this rezoning would amount to a short extension of the R-G District. They cited the purpose of the R-G District and presented maps showing the proximity of the site to the campus and downtown, and the steep topography of the site, which would mitigate impacts for homeowners above the site on Pokeberry Ridge.

The petitioners stated that it was their intent to redevelop the site at some point, but there was no timeline associated, and redevelopment might include retaining the existing houses. The petitioners were interested in providing home ownership opportunities and perhaps senior housing.

The Zoning Subcommittee presented its analysis of the proposed amendment and reported that it had voted 3-0-1 (Schreiber opposing) to recommend support of the article. If there was any place in Amherst where there should be more density, the Subcommittee believed this is one of those places.

During public comment, property owners from Pokeberry Ridge expressed concern about the proposed rezoning, indicating that town houses and apartments could bring additional noise and congestion to the area. The feel of the neighborhood could change if an apartment complex were developed. Residents on Pokeberry Ridge could already hear noise from parties at UMass. One neighbor asked if the change did not constitute "spot zoning." Mr. Webber pointed out that this area would be continuous with the rest of the R-G District, and so it was not spot zoning.

There were questions about potential maximum density. A petitioner answered that if, as they intended, the project was small and manageable, then the additional lot area/family requirement would be 4,000 sq. ft. for each unit after the first, under footnote m. of Table (Article 6) of the Bylaw. In that circumstance, he believed that a total of only 14 units would be possible on the combined properties.

There was extended discussion of the degree to which the proposed new inclusionary zoning (Article 22) might affect redevelopment of the site.

A South Amherst resident encouraged the Board to balance the issues. She had moved to South Amherst to stay away from students. Neighborhoods in North Amherst are losing families and

homeowners. The Board should be sensitive to the desires of neighbors. People have expectations when they move to a neighborhood and expect that things will be kept the way they are. Balance is needed for stable neighborhoods.

Mr. Schreiber said he was not sure where he stood on the proposal. On the one hand, it was nice to have a buffer of older residential neighborhoods around the campus. On the other hand, going from R-N to R-G was not a big change, and any proposed new development on the site would require a Special Permit. Neighbors would have input no matter what.

Mr. Crowner said that the difference here was that the properties are almost on campus. The whole street “juts into” campus, and it is close to downtown. He said the question was whether the Town wanted more housing around the campus.

Mr. Webber said that zoning was supposed to be hard to change, and it is. He could understand the concerns of abutters. This would allow for an increase in potential density. The owners were quite clear about their intentions to redevelop the site. It was adjacent to the R-G District and campus. It was a prime location for new residential uses—walkable to everything.

He noted that there was a strong directive from the community’s Master Plan to build in centers and existing built-up areas, to relieve development pressure on outlying lands. He reminded the Planning Board how many requests it sees for frontage lot endorsements to build single family homes in outlying areas. He was leaning toward the Subcommittee’s recommendation. The location was right. He thought it was a tough call, but he came down on the side of supporting the proposed rezoning.

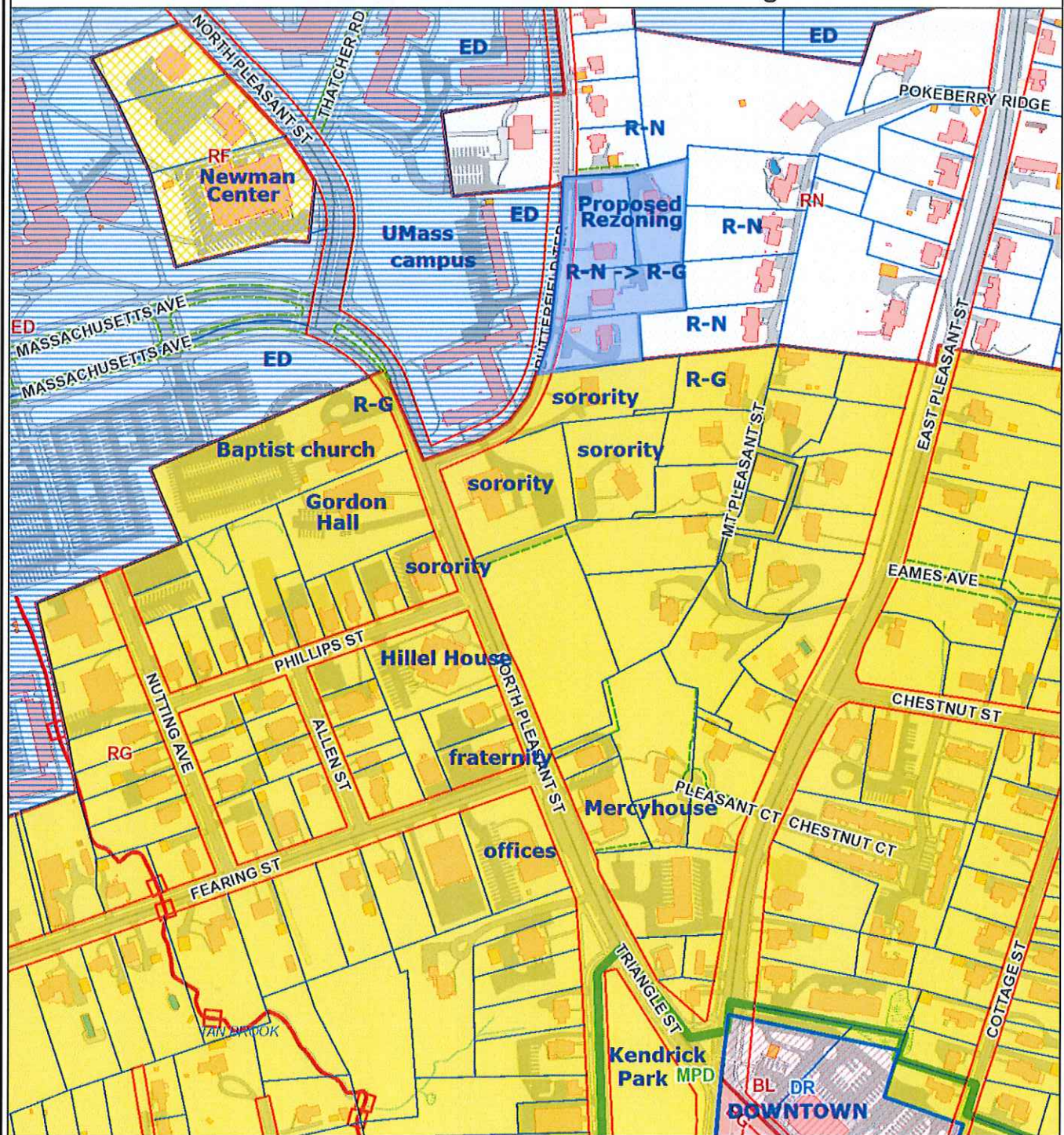
Mr. Roznoy said that he agreed with the Subcommittee’s recommendation for those same reasons. This public hearing was just one step in the process. The more daunting step would be before Town Meeting.

After further discussion, the Planning Board voted 5-1 (Schreiber opposing), with 1 member absent, to recommend that Town Meeting adopt Article 23.

The location of these properties argues strongly for this rezoning. The site is immediately adjacent to campus and within ready walking distance of most destinations, including the downtown. The properties are for the most part shielded from other residential areas by the steep slopes of the ridge behind them.

The proposed rezoning would extend existing R-G zoning from adjacent properties, and would not change or increase the existing market conditions for development in that district. This is an appropriate place for residential redevelopment under the limitations imposed by the R-G District regulations and the Special Permit process that would be required for any multi-family redevelopment.





Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, NAD83, Feet; Vertical Datum: NAVD88, FT  
Planimetric & topographic basemap compiled at 1"=40' scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap; revisions are ongoing.

The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation, or property conveyance purposes. Utility structures & underground utility locations are approximate & require field verification.

The Town of Amherst makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of these data, & does not assume any liability associated with the use or misuse of these data.

#### Property M

□ Adjacent Towns Parcels

#### Zoning Map

✱ FPC Boundary Elevations

FPC Stream Setbacks

25' Setback

50' Setback

□ Zone Overlay

□ Design Review Board Jurisdiction

■ Municipal Parking District

#### Zoning

R-LD: Low Density Residence

R-F: Fraternity Residence

R-O: Outlying Residence

R-N: Neighborhood Residence

R-VC: Village Center Residence

R-G: General Residence

B-VC: Village Center Business

B-L: Limited Business

B-N: Neighborhood Business

B-G: General Business

OP: Office Park

COM: Commercial

PRP: Professional & Research

LI: Light Industrial

ED: Educational

FPC: Flood-Prone Conservation



1" = 300 ft





# Article 23 - Context



- Property Map
- Adjacent Towns Parcels
- Zoning Map
- 25' Setback
- 50' Setback
- Zone Overlay
- Design Review Board Jurisdiction
- Municipal Parking District
- Zoning
- R-D: Low Density Residence
- R-F: Frequent Residence
- R-N: Neighborhood Residence
- R-V: Village Center Residence
- B-V: Village Center Business
- B-L: Limited Business
- B-N: Neighborhood Business
- B-G: General Business
- OP: Office Park
- CO: Commercial
- PR: Professional & Research Park
- LI: Light Industrial
- ED: Employment District
- FF: Flood-Prone Conservation

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1" = 800 ft

amherstma.gov/maps

March 30, 2015

